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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,814	11/04/2003	Naohisa Uehara	Q78147	4454

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EXAMINER

GREGORY, BERNARR E

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/699,814	Applicant(s) UEHARA	
	Examiner GREGORY	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-12 are rejected under 35 USC §112, second paragraph.

In independent claim 1 and throughout dependent claims 2-12, the uses of the word “interference” are indefinite and unclear as to what is meant in context. Lines 12-13 of claim 1 seems to suggest that the “interference” is limited to interference from nearby radars, but this is not entirely clear.

On line 7 of claim 1 and on line 3 of claim 11, the uses of the phrase “of his/her own” make the claim language indefinite and unclear. First, these pronouns in the phrase have no antecedent. Second, reference to the driver or owner (if that is what the phrase is) does not relate at all to the apparatus that is defined in the claim. At best, it is extraneous.

On lines 12-13 of claim 1, the phrase “to detect an interference signal from another external device” is indefinite and unclear in context in that it is an expression of intended use and in that it fails to claim clearly and definitely the “interference signal.”


On lines 10-13 of claim 1, the language is unclear as to whether the “suspending” of the “operation of the transmitting means” is a result of the detection of the “interference signal.”

On lines 12-13 of claim 1, “another external device” is indefinite and unclear in context in that there is no earlier-named “external device.” That is to say, the use of the word “another” in this construction is equivalent to the use of the word “second,” which, of course, suggests that there is a “first.”

Dependent claims 2-12 are unclear in that they depend from unclear independent claim 1.

2. The drawing figures are objected to under 37 CFR §1.84(o).

In Figure 1 of the drawings box-type elements 13 and 14 must be descriptively labelled per 37 CFR §1.84(o). For example, if item 13 were to represent a motor, then item 13 ought to be labelled "MOTOR" or something reasonably similar that has clear antecedent in the specification. Correction is hereby required.
3. The examiner-cited prior art herewith is of interest for showing prior art systems that are similar to Applicant's invention. Please especially note the Voigtlaender et al ('003) reference which detects interference (line 1 of the Abstract) and deactivates the "transmission branch" (lines 3-4 of the Abstract). Tresselt ('655) turns off the receiver (abstract) to avoid unwanted signals. Skudera, Jr. et al ('674) turns off gates in response to the "interference-signal pulse" (see Abstract). Skudera, Jr. et al. ('581) turns the modulator off in response to interference (see Abstract). The other cited reference not specifically named above in this section are of general interest for relating to interference in vehicle radars.
4. The Examiner in charge of this application is Bernarr Gregory, whose telephone number is (703) 306-5765 and whose e-mail address is bernarr.gregory@uspto.gov. If attempts to contact the Examiner are unsuccessful, his Supervisor, Mr. Thomas Tarcza, may be contacted at (703) 306-4171.


Bernarr E. Gregory
Primary Examiner
Art Unit 3662